IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 980 OF 2005

THE STATE OF MAHARASHTRA ..APPELLANT

V/S

PANDURANG SAKHARAM RODE ..RESPONDENT

MR. Y.S.SHINDE - APP FOR APPELLANT.

MR. J.K. TENDULKAR, ADVOCATE FOR RESPONDENT.

CORAM: V.M. KANADE, J.

DATE : 14TH SEPTEMBER, 2007.

P.C.

1. Heard learned APP for the State and learned counsel for the Respondent. The present Appeal is filed for enhancement of the sentence imposed by the Additional Chief Metropolitan Magistrate, 40th Court, Girgaum. By the said order the trial court was pleased to convict the Respondent for offence under section 324 of Indian Penal Code and sentenced him to pay a fine of Rs. 1000/- and in default of payment of fine, to suffer S.I.for 15 days.

2. The prosecution case in brief is that the incident in question took place between the accused and the

complainant. Both the complainant and accused are the vegetable vendors and they had stalls adjacent to each other. There was altercation between the accused and the complainant when the accused came to the shop of the complainant and told his servant to arrange his shop properly. There was scuffle between the two and it is alleged that the accused brought one pot from the Super Market and hit the same on the complainant's head and also bit his left index finger. The trial court convicted the accused. On the point of sentence the court has opined that this was the first offence of the accused and therefore the court awarded the sentence for payment of fine of Rs. 1000/-. I do not see any reason to interfere with the order passed by the learned Magistrate. Hence the relief is refused. Appeal is dismissed.

(V.M. KANADE, J)